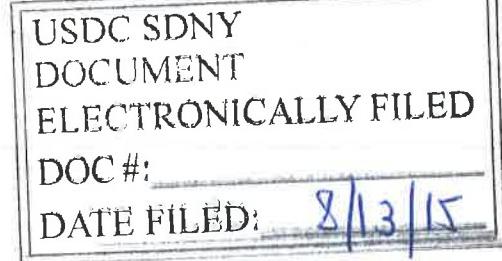
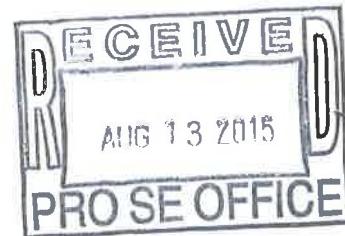


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4 UNITED STATES DISTRICT COURT  
5 SOUTHERN DISTRICT OF NEW YORK  
6 -----x  
7 KELLY PRICE  
8  
9

10 PLAINTIFF  
11 -against-  
12  
13 DETECTIVE LINDA SIMMONS Individually,  
14 and as an employee of the New York City Police  
15 Department, ADA MARIA STROHBEHN and  
16 ADA KENYA WELLS Individually,  
17 and as employees of the New York County  
18 District Attorney's Office, THE CITY OF NEW YORK,  
19 Deputy DA Audrey Moore, ADA Larry Newman, ADA  
20 Laura Higgins nee Richendorfer, ADA Christina  
21 Maloney, ADA Patricia Bailey, ADA Susan Roque and  
22 DA Cyrus Vance Jr., as employees of the New York  
23 County District Attorney's Office, Inspector Obe of  
24 the New York City Police Department, in her capacity  
25 as an employee of the New York City Police Department,  
26 Rose Pierre-Louis in her capacity as the Commissioner  
27 of Domestic Violence of the City of New York,  
28  
29 DEFENDANTS,  
30  
31 -----x  
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CV-15-05871  
Index No.: CV-15-05871  
JURY TRIAL DEMANDED



AMENDED COMPLAINT

Kelly Price  
Pro Se  
534 w 187<sup>th</sup> st. apt #7  
New York, NY 10033

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- 2       1. Plaintiff Kelly Price, Pro Se, alleges for the following:  
3       2. Plaintiff Kelly Price “PRICE” is an individual and resident of New York, and resides at 534 w 187<sup>th</sup> st  
4                   #7, New York, New York 646 676 1940: [graciegracie212@gmail.com](mailto:graciegracie212@gmail.com) on behalf of herself and of  
5                   classes of similarly situated women (together, “Plaintiffs”), based on personal knowledge and upon  
6                   information and belief, allege as and for the Complaint as follows:

7                   NATURE OF ACTION:

- 8       3. Confidential informants and complainants on major cases exploit the authority of their position to  
9                   abuse, traffic and torture the women in their reach. This abuse is only possible because the City of  
10                  New York has enabled a culture of complacency to perpetuate within the criminal justice system  
11                  allowing the Police and District Attorney’s to turn a blind eye towards the trafficking of, physical,  
12                  mental, and economic abuses of women involved in intimate partner relationships with confidential  
13                  informants or complainants on major cases. These confidential informants and complainants are  
14                  integral to Police and DA’s successful prosecutions on other, unrelated, cases to the abuse because  
15                  they allow Police and Prosecutors to maintain their quotas, conviction rates, arrest-rates and to build  
16                  their careers and move onto higher political office or higher-paid positions of employ.
- 17       4. Plaintiff Price was savagely trafficked, beaten and abused by Raheem Andre Powell, an informant and  
18                  major-case complainant working for the NYPD and MDAO, who threatened to, and did, punish her if  
19                  she resisted or reported his abuse. Now, Plaintiffs bring this civil rights action pursuant to 42 U.S.C. §  
20                  1983 against the City of New York (the “City” and, collectively, “Defendants”) to obtain declaratory  
21                  judgment, injunctive relief, and compensatory and punitive damages for deprivation of their  
22                  constitutional rights. As Plaintiff Price will demonstrate, other women in NYC have been denied  
23                  Police and DA protections because of the status their abusers have held as Confidential Informants and  
24                  witnesses.
- 25       5. Plaintiff Price was denied the ability to file police reports against Powell for his abuse from August of  
26                  2009 through January of 2011.
- 27       6. Plaintiff Price was denied intake and services at the Family Justice Center.
- 28       7. Plaintiff Price was denied her First Amendment Rights to Free Speech similarly to others charged with  
29                  the unconstitutional statute (NYS CPLR 240.30) that was stricken down as illegal, unlawful,

2 unconstitutional and misleadingly written in broad-strokes in May of 2014 in a decision written by the  
3 Hon. New York State Courts Chief Administrative Judge Jonathan Lippman.

4 Plaintiff Price was Denied Police Services and put on a Blacklist and is similarly situated with a class  
5 of other victims illegally and unlawfully denied their rights to due process, equal protection under the  
6 law et al.

7 The New York City Police Department and the City Itself by extension has recognized the coercive  
8 power that uniformed and ununiformed officers wield over complainants of Domestic Violence who  
9 come forward in an attempt to make complaints of violence against officers by meting-out separate  
10 procedures in the NYPD for the investigation of violence against ordinary citizens and of unformed  
11 and ununiformed Police Officers. The City is aware that a significant risk of coercion of women who  
12 come forward to make complaints against officers exists but it nonetheless permits a culture of  
13 systemic trafficking and other abuse of women by Confidential Informants and complainants on major  
14 cases to exist in NYC.

15 10. The pervasive culture of trafficking, sexual slavery and abuse of women is common knowledge within  
16 and without the NYPD and various District Attorney's Offices. DAs and NYPD officers, brass and  
17 minions know not only that women are regularly abused by their Informants and complainants but also  
18 engage in a pattern of cover-up, victim-blaming, false-arrest, malicious prosecution, denial of rights,  
19 obfuscation and "GAS-Lighting" of victims in order to curry favor with their informants and to sink  
20 the true victim's credibility and esteem to the point of no return. This especially egregious as the  
21 NYPD and District Attorney's offices are fully aware of the psychological repercussions and aftermath  
22 of abuse and are cognizant of how to play off of the mental disorders, depression, and physical frailties  
23 that domestic violence and traffic victims suffer during and after abuse.

24 11. Supervisory officers and managerial District Attorneys facilitate this abuse by allowing the normal  
25 mandates (legislated by McKinney's Crime Victims' Laws) of investigations into allegations of  
26 trafficking and abuse to fall by the wayside and by turning the other cheek to the victims' ultimate  
27 secondary abuse by the criminal justice system when victims are charged and/or threatened with  
28 fraudulently false counter-complaints in order to control them, shut them up, and appease their abusers.

- 2       12. The City facilitates this physical, economic and mental abuse and sexual slavery and other violations  
3       of rights by permitting supervisory officers and DAs to operate in the manner alleged herein, by failing  
4       to monitor (through oversight or otherwise): failing to train ADAs and NYPD on the mandates of  
5       McKinney's NYS Crime Victims' Statutes: by failing to distribute literature or to post signs in its  
6       precincts, Family Justice Centers and Crime Victims Centers alerting victims of their rights as a crime  
7       victim: by failing to ensure that when a victim of DV or trafficking is denied services bc she is  
8       deemed a "fabricator" that proper DUE PROCESS is in place to ensure that the opinion of one  
9       prosecutor or officer is not heavily weighted by their motivation to bring-in convictions and make  
10      cases already in the works.
- 11      13. The City fails to protect from retaliation women who make complaints against Confidential Informants  
12      or Complainants on major cases by placing them on "Do NOT SERVE" lists effectively barring them  
13      from receiving Police services and protections in the future giving other perpetrators and abusers,  
14      skilled at sousing-out and targeting weak and fragile victims in a depressed and helpless state an actual  
15      and perceived free hand to victimize these women. This retaliation in Plaintiff Price's case was well  
16      known in her neighborhood of Southwest Harlem and Plaintiff Price was often attacked by Powell's  
17      acquaintances, family members and other predators in the area BECAUSE THEY WERE AWARE  
18      OF PRICE'S STATUS AS A NAMED MEMBER OF THE "DO NOT SERVE LIST" THAT THE  
19      28<sup>TH</sup> PRECINCT WOULD NOT ASSIST. The City's customs, policies, practices, acts, and omissions  
20      allowed Raheem Powell to abuse Plaintiff Price and for other women to be abused and allowed other  
21      predators, Powell, Powell's circle, the MDAO and the NYPD to retaliate against Price
- 22      14. The City remained indifferent to the widespread abuse and denial of protections and victims' services  
23      to Plaintiff Price and others. Rather than taking prompt steps to investigate and punish Powell, the City  
24      instead both continued to use Powell as a informant and complainant despite the credibility issues he  
25      had as his record already included a Domestic Violence Felony. The City treated Price as an  
26      adversary, refusing all requests to accept and investigate her 61 reports of his felony assaults and  
27      battery and refusing information about its investigation of her allegations, first on the ground that the  
28      investigation found no wrongdoing, and later on the mutually exclusive ground that the investigation  
29      that purportedly had "found" no wrongdoing was nevertheless still ongoing. The City has also

2 withheld records of the abuse and blackmail and campaign of terror that Powell enacted against Price  
3 —text messages on Price's phone proving the battery, coercion trafficking and violence and refused to  
4 return the personal property/phones to Price that she provided the City to assist its purported  
5 investigation.

6 JURISDICTION AND VENUE

- 7 15. This court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1343.  
8 16. Venue is proper in the United States District Court for the Southern District of New York pursuant to  
9 28 U.S.C. § 1391(b).

10 PARTIES

- 11 17. Plaintiff Price is a former detainee at RMSC on Rikers Island who currently resides in New York City.  
12 18. At all times referred to herein, Linda Simmons was a New York City Police Detective Officer  
13 employed by NYPD and assigned to work the 28<sup>th</sup> precinct. Plaintiff Price sues Simmons in her  
14 professional and individual capacities Upon information and belief, Simmons is a resident of the State  
15 of New York.  
16 19. Defendant the City of New York is a municipal entity created and authorized under the laws of the  
17 State of New York. It is authorized by law to maintain a Police department, Office for the prevention  
18 of Domestic Violence headed by an appointed Commissioner of Domestic Violence and also  
19 authorized to maintain District Attorney's office which act as its agent in the area of protection, justice,  
20 penalties for crimes and security of the citizenry of New York City and for which it is ultimately  
21 responsible. The City maintains NYPD and the MDAO, which are municipal entities, created and  
22 authorized under the laws of the State of New York. The NYPD is authorized by law to carry out all  
23 protection and security functions for the City and assumes responsibility for the care, custody, and  
24 control of persons who turn to the City looking for help in extracting themselves from violent intimate  
25 partner relationships and trafficking subjections.  
26 20. At all times referred to herein, defendant Maria Strohbehn was a New York City Assistant District  
27 Attorney employed by the Manhattan District Attorney's Office and assigned to work the 28<sup>th</sup> precinct  
28 and other Northern Manhattan precincts as part of operation "Crew Cut". Plaintiff Price sues  
29

2 Strohbehn in her professional and individual capacities Upon information and belief, Strohbehn is a  
3 resident of the State of New York.

4 21. At all times referred to herein, defendant Cyrus Vance was the New York City District Attorney  
5 employed by the Manhattan District Attorney's Office". Plaintiff Price sues Vance in his professional  
6 and capacities. Upon information and belief, Vance is a resident of the State of New York.

7 22. At all times referred to herein, defendant Audrey Moore was a New York City Assistant District  
8 Attorney employed by the Manhattan District Attorney's Office. Plaintiff Price sues Moore in her  
9 professional and individual capacities Upon information and belief, Moore is a resident of the State of  
10 New York.

11 23. At all times referred to herein, defendant Larry Newman was a New York City Assistant District  
12 Attorney employed by the Manhattan District Attorney's Office. Plaintiff Price sues Newman in his  
13 professional capacity. Upon information and belief, Newman is a resident of the State of New York.

14 24. At all times referred to herein, defendant Christina Maloney was a New York City Assistant District  
15 Attorney employed by the Manhattan District Attorney's Office. Plaintiff Price sues Maloney in her  
16 professional and individual capacities. Upon information and belief, Maloney is a resident of the State  
17 of New York.

18 25. At all times referred to herein, defendant Laura Higgins nee Richendorfer was a New York City  
19 Assistant District Attorney employed by the Manhattan District Attorney's Office. Plaintiff Price sues  
20 Higgins in her professional and individual capacities Upon information and belief, Higgins is a  
21 resident of the State of New York.

22 26. At all times referred to herein, defendant Patricia Bailey was a New York City Assistant District  
23 Attorney employed by the Manhattan District Attorney's Office. Plaintiff Price sues Bailey in her  
24 professional and individual capacities Upon information and belief, Bailey is a resident of the State of  
25 New York.

26 27. At all times referred to herein, defendant Inspector Obe was a New York City Inspector and  
27 Commanding Officer of the 28<sup>th</sup> Precinct employed by the New York City Police Department.  
28 Plaintiff Price sues Obe in her professional and individual capacities. Upon information and belief,  
29 Obe is a resident of the State of New York.

28. At all times referred to herein, defendant Rose Pierre-Louis was a the Commissioner of Domestic Violence of the City of New York appointed by the NYC Mayor's office and employed by the City of New York. Plaintiff Price sues Pierre-Louis in her professional capacities Upon information and belief, Pierre-Louis is a resident of the State of New York.

29. PRELIMINARY STATEMENT/Introduction: Plaintiff Price has been unable to receive a satisfactory response to her previous demands that she be restored to the status she enjoyed before her false arrest, unlawful imprisonment and defaming by defendants and that training, policies and procedures be set in place to evaluate domestic violence and trafficking victims' complaints and veracity on a comprehensive level especially when the abuser is a confidential informant or complainant working with the NYPD or DA's office(s) on other, unrelated cases. Currently there are special procedures in place in the NYPD Patrol Handbook for handling DV complaints allegedly committed by an uniformed or ununiformed NYPD member. These special procedures are indicative that the NYPD recognizes that people with access to law enforcement channels hold great sway over investigations and victims. Why isn't there a separate process denoted for those who work tacitly as informants or complainants on major cases who receive special handling from precincts and district attorney's offices?

30. McKinney's Executive Law; Article 23, Fair Treatment Standards for Crime Victims is explicit in its mandate of procedures that must be followed when a victim reports trafficking or certain felony assaults. As Plaintiff will demonstrate, NOT ONE of these procedures were followed when Plaintiff turned to the NYPD and the MDAO for assistance (Exhibit # 45). Further training and re-iteration of these laws needs to be implemented within the NYPD and District Attorney's offices such as the MDAO as Plaintiff is not the only trafficking victim in NYC to have been refused to be recognized (Exhibit # 46 ) by the NYPD and Criminal Justice Authorities as a trafficking victim. According to the NY Penal Law 135.35 the crime of "Labor Trafficking" is committed: "if a person compels or induces another person to engage in labor, or recruits, entices, harbors, or transports such other person by... Using force or engaging in any scheme, plan or pattern to compel or induce such person to engage in or continue to engage in labor activity by means of instilling a fear in such person..." the protections

2 outlined (Exhibit #s 46 & 47) ) by the various statutes of McKinney's such as receiving emergency  
3 social and medical services, to be notified of the availability of crime victim compensation, support  
4 programs, prompt return of property held for evidentiary purposes, to be protected from intimidation,  
5 to have one's case reported by the MDAO to the Director of the Office of Victims' Services, the right  
6 to be pre-certified and/or certified as a victim of human trafficking, and finally confirmation as a  
7 victim of human trafficking (McKinney's Social Services Law (483-aa-483 cc) (Exhibit # 45).

8 31. Plaintiff also seeks POLICY CHANGE for the way that Domestic Violence and Trafficking Survivors  
9 are treated within the criminal justice system when they come forward for help in extracting  
10 themselves from life-threatening intimate partner situations. A methodology and better training needs  
11 to be implemented for identifying true victims that is not subject to the whimsy of one lone  
12 prosecutor's bias(es). When a victim is thought to be a 'fabricator' a review of his/her case needs to be  
13 examined by Domestic Violence advocates, therapists, social workers, and psychiatrists before they are  
14 denied restraining orders, protections, police services, social welfare services, a normal quality of life  
15 free from harm, and their ability to petition the government for a redress of grievances.

16 32. This Lawsuit seeks to hold the defendants, CITY OF NEW YORK et al, liable for, but is not limited to  
17 misconduct under the federal civil rights statute, 42 U.S.C. 1983. The unlawful actions of police and  
18 prosecutors documented in this lawsuit resulted from affirmative or de facto municipal policies,  
19 practices and customs to violate the constitutional rights of trafficking and domestic violence  
20 survivors, suspects, and defendants, or from deliberate indifference by policymaking officials, acting  
21 on behalf of the City of New York, to such violations. As Plaintiff will demonstrate.

22  
23 STATEMENT OF FACTS

24 33. The basis for this lawsuit and State and Federal jurisdictions are violations of the USC §1983 et. seq.,  
25 & Title United States Code § ("The CIVIL RIGHTS Act") of Price's CONSTITUTIONAL RIGHTS  
26 and various State Law against malicious prosecution, This is a civil action, pursuant to 42 U.S.C 1983,  
27 and state law, seeking monetary damages for Plaintiff, Kelly Price, due to her wrongful arrest,  
28 malicious prosecution, and denial of police services caused by the pervasive misconduct of the  
29 Manhattan District Attorney's Office ["MDAO"] and the New York City Police Department and

2 POLICY CHAGE for the way victims of Domestic Violence and Trafficking Victims are evaluated by  
3 the NYPD and MDAO when they approach the “authorities” in the darkest, most desperate days of  
4 their lives.

5 34. LEGAL ARGUMENT Defendant’s would have the court believe that they followed all proper  
6 protocols and procedures when handling her complaints and that PLAINTIFF was not a victim but a  
7 FABRICATOR of her own injuries undeserving of services and justice and the City Law Department  
8 Lawyers will laughably try to convince the court that the defendants are only guilty of “Negligent  
9 Investigation” of which there is no Federal or State proscription against. These base conclusions were  
10 drawn by inexperienced and biased members of the MDAO and NYPD whom had much at stake in the  
11 evaluation of Plaintiff’s complaints of abuse and trafficking against her batterer as he, Raheem Andre  
12 Powell, was acting as a complainant himself in an attempted murder case against a party unaffiliated  
13 with PLAINTIFF and also provided information and acted as a confidential informant for the NYPD  
14 and the MDAO who assisted in the arrests of countless alleged “gang” members operating in Harlem  
15 where Plaintiff resided at the time of the infractions against her person and her rights. PLAINTIFF  
16 addresses, and endeavors in the space available to correct, these mischaracterizations of law and fact  
17 below, and thereby to demonstrate that defendants’ lack of training and willful disregard to Plaintiff’s  
18 rights as a victim should be recognized by the court and that procedures and policies be mandated for  
19 the handling of trafficking and intimate partner victims by the City of New York.

20 35. Plaintiff Kelly Price brings forth the following causes of action and alleges the following: Beginning in  
21 2010 and into early 2011, Plaintiff was in contact with various members of the Criminal Justice  
22 community including Manhattan Family Court Judge Sattler, who issued an order of protection in  
23 November of 2010 (Exhibit #25 ) against Plaintiff’s abuser, Raheem Andre Powell. Plaintiff Price was  
24 at various times in touch with ADA Maria Strohbehn, ADA Kenya Wells, Deputy DA Audrey Moore  
25 (indirectly through Strohbehn), Detective Linda Simmons and other members of the 28th precinct,  
26 NYPD, for assistance in her attempts to extricate herself from her batterer, Raheem Andre Powell.  
27 Powell had abused Plaintiff physically, mentally, and economically and engaged in a brutal campaign  
28 of trafficking and controlling her against her will. Instead of investigating Plaintiff’s claims and  
29 assisting her Plaintiff was arrested and charged with hundreds of counts of aggravated harassment

2 towards her batterer and one count of contempt of court resulting in Plaintiff's false arrest, malicious  
3 prosecution, unlawful Imprisonment, and defamation. Various abuses of process and Injurious  
4 Falsehoods were levied against her in violation of her civil rights Constitutionally protected under the  
5 1st, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, 14<sup>th</sup>, and 16<sup>th</sup> Amendments from unreasonable search and seizure et al and  
6 violations of procedural due process and the New York Constitution.

7 36. This lawsuit seeks to hold the defendant CITY OF NEW YORK liable for the above and below stated  
8 misconduct under the federal civil rights statute, 42 U.S.C. § 1983, and Monell v. Dept. Of Social  
9 Services, 436 U.S. 658 (1978) and under state law. The unlawful actions of police detectives and  
10 prosecutors documented in this lawsuit resulted from affirmative or de facto municipal policies,  
11 practices and customs to violate the constitutional rights of criminal suspects and defendants involved  
12 in making Domestic Violence complaints, or from deliberate indifference by policy-making officials,  
13 acting on behalf of the City of New York, to such violations. As Plaintiff will demonstrate, both the  
14 NYPD and the MDAO, as a matter of policy, instructed and coerced witnesses to give false or  
15 unreliable testimony through their misuse of their powers of arrest and interrogation, unlawfully  
16 concealed exculpatory or impeachment evidence known as "Brady" material, and lied to or misled  
17 courts, defense attorneys, and criminal defendants in order to cover up their unlawful behavior.  
18 Further they placed Plaintiff on a "DO NOT SERVE" list making it impossible for her to attain police  
19 services of protections in the wake of the MDAO and NYPD losing the protracted criminal  
20 proceedings against her

21 37. The principal individual defendant, acting pursuant to unlawful municipal policy, who caused  
22 Plaintiffs unconstitutional arrest, prosecution, inflicted intentional emotional distress and orchestrated  
23 the defaming and slander of plaintiff, is the very (ret.) NYPD detective formerly assigned to the 28<sup>th</sup>  
24 precinct, Linda Simmons, who was tasked to investigate Plaintiff's complaints of abuse against her  
25 batterer, Raheem Andre Powell. Simmons' illegal behavior in Plaintiff's case included the following:  
26 a. Testifying under oath by stating "YES" in Judge Sattler's Family Court Part in response to a  
27 question from the Hon. Judge Sattler claiming she had investigate Plaintiff's allegations of  
28 Domestic Violence perpetrated against her person and then exclaiming that she had found Plaintiff  
29 Price to be "not credible" (EXHIBIT 13 # March 24<sup>th</sup> and Feb 1 Family court transcripts) when in

2 fact NO INVESTIGATION HAD TRANSPired. (Exhibit # NYPD Handbook Procedures)

- 3 b. In violation of various criminal statutes, directing the preparation and filing, with the MDAO, the  
4 NYPD, of official records she knew were false alleging that Plaintiff had fabricated her injuries  
5 sustained at the hands of Mr. Powell, and that her "fabrications" were a threat to Mr. Powell  
6 (Exhibit #s 4 &5 )
- 7 c. Repeatedly making willfully false representations of "fact" in such statements under oath to create  
8 a "factual" basis to obtain court orders of protection on behalf of Mr. Powell securing Plaintiff's  
9 constriction of willful and free movement by the court, to gain illegal custody of plaintiff, and to  
10 coerce plaintiff. (See Exhibit 26 #s Family court orders) after March 24<sup>th</sup> giving Powell the more  
11 restrictive 100 yard protection and eliminating it from Plaintiff's OP therefore making it illegal for  
12 Plaintiff to happen to be in any space in her neighborhood where Powell would enter after  
13 including bodegas, parks where bbqs were held, dog runs, coffee shops, drugstores etc. It felt to  
14 Plaintiff in fact that often when she would be in a public place in her neighborhood that Powell  
15 would appear shortly thereafter forcing her to leave and to call public attention to the situation,  
16 causing her social injury and personal anguish, insult, shame and injury. This happened numerous  
17 times in the period of March 24, 2011 through July 24, 2012 when all charges were dismissed and  
18 sealed against Plaintiff making the restraining order a nullity.)
- 19 d. Lying to prosecutors in the MDAO who were investigating Plaintiffs allegations of abuse, by  
20 flatly denying various allegations had ever taken place even though she herself had never  
21 investigated the facts of the abuse. Simmons never walked the 175 yards from the precinct to  
22 Plaintiff's Brownstone to question neighbors about abuse: she never viewed or reviewed  
23 photographs of Plaintiff's injuries: never asked Plaintiff to sign HPPA forms for her various  
24 emergency room admissions for injuries sustained at the hands of Powell: never examined text  
25 messages Plaintiff had received from Powell detailing physical and other threats against her  
26 person, name and reputations her would unveil if she reported his abuse against her: never  
27 reviewed the various receipts Plaintiff had been given by various window and door repairmen who  
28 had been called to her home repeatedly to fix her front door and windows which had been broken  
29 as Powell would try to gain illegal entry to Plaintiff's garden-level brownstone apartment when he

2 would fly into fits of rage etc.

3 38. Equally importantly, Plaintiff seeks additional recovery against New York City for the actions of  
4 Assistant District Attorneys Maria Strohbehn, Audrey Moore and Kenya Wells for initiating Plaintiff's  
5 malicious prosecution based upon allegations in Criminal Court complaint they knew were neither true  
6 nor false as they had not investigated the facts of Plaintiff's abuse they had no factual basis to believe  
7 their allegations to be true.

8 39. Additionally Plaintiff was placed on a "NO SERVICES LIST" which prohibited her from attaining  
9 police services of any kind because of the actions of the MDAO against her 1<sup>st</sup>, 5<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup>  
10 Amendment entitlements to Equal Protection under the Law, to Redress the Government for  
11 Grievances, Due Process and from Unusual Punishment. Many other New Yorkers have been placed  
12 on this list and DENIED police services: Plaintiff seeks the court to correct this practice by the Police  
13 and Borough District Attorneys including the MDAO and NYPD of denying the citizenry of Gotham  
14 the ability to make police reports, to receive equal protection under the law, due process, and to be  
15 protected from unusual punishment. In a December, 2014 New York Times Magazine interview DA  
16 Vance states:

17 "By May 2010, Parker and Vance had roughed out the structure of the so-called Crime Strategies  
18 Unit (C.S.U.). They divided Manhattan's 22 police precincts into five areas and assigned a senior  
19 assistant D.A. and an analyst to map the crime in each area. C.S.U. staff members met with patrol  
20 officers, detectives and Police Department field intelligence officers. They asked police  
21 commanders to submit a list of each precinct's 25 worst offenders — so-called crime drivers,  
22 whose "incapacitation by the criminal-justice system would have a positive impact on the  
23 community's safety." Seeded with these initial cases, the C.S.U. built a searchable database that  
24 now includes more than 9,000 chronic offenders, virtually all of whom have criminal records. A  
25 large percentage are recidivists who have been repeatedly convicted of grand larceny, one of the  
26 top index crimes in Manhattan, but the list also includes active gang members, people whom the  
27 D.A. considers "uncooperative witnesses," and a fluctuating number of violent "priority targets,"  
28 (Exhibit # 48).

29 40. How many "uncooperative witnesses" and crime victims have been unwittingly placed on this list and

2 denied services? Plaintiff seeks the court to explore this unconstitutional process vis a vis discovery  
3 regarding exactly how and why one is put on such a list and to question if at all this is even a legal  
4 practice employed by the MDAO and NYPD and to stave its practice and further implementation.

5 41. The MDAO refused to investigate Plaintiff's claims of abuse. Plaintiff received a phone call from DA  
6 Strohbehn on February 2, 2011. Strohbehn informed Plaintiff that she had "less than an hour" to get  
7 downtown to her office regardless of the difficulty in travelling that day as the city had been blanketed  
8 by a blizzard the previous evening. When Plaintiff arrived at her office she instructed her to wait in the  
9 Safe Horizon office for over two hours. When she greeted Price she withdrew her right hand as  
10 Plaintiff outstretched hers to as is common in professional and official circumstances to do. She led  
11 Plaintiff brusquely down the hall of the 2<sup>nd</sup> floor where she and Det. Simmons and another Dt from the  
12 28<sup>th</sup> pct pepper Plaintiff with questions about how Price came to own a car, how Price earned a living,  
13 and accuse Price of answering her phone earlier in the day "with a fake accent." They proceeded to  
14 call Plaintiff a liar and refuse to look at any material that proved Price was telling the truth. ADA  
15 Strohbehn informed Price she was declining to prosecute Raheem, and informed her that if I make  
16 another report against RAHEEM that she will 'lock Price up and throw away the key.' She also  
17 informed the 28th precinct that she will personally handle all of Price's "police service needs" and if  
18 Price have "a bullet-hole in her head that they are to call the Das office first to clear police services  
19 offered first before responding to any call from Price." She informs Price that she has already assisted  
20 Raheem in drawing up a Family Court petition to attain a counter restraining order against me in order  
21 to press counter-claims of harassment against Price. She further instructs Price that even though she  
22 haven't been served that Price am to show up in family court the next morning to respond to Raheem's  
23 charges. She tells Plaintiff that she will be charged with contempt of court if Price does not show up  
24 "as she as an officer of the court (NOTE FAMILY COURT-NOT Criminal COURT where Stohbehn  
25 has jurisdiction) was ordering Price to appear even though there was no time to serve Price with a  
26 subpoena (sic)." She tells Price her only concern is that "an innocent black man has been sitting in jail  
27 for 24 hours..." Price asked to speak with her supervisor to show her proof and have neighbors  
28 interviewed etc. and Ms. Strohbehn informs Price that "she already checked with her supervisor  
29 (Audrey Moore) and that she has been given carte blanche to deal with me with finality." Price is

2 instead thrown out of her office. Plaintiff's landlord and others try to speak with Ms. Strohbehn to  
3 introduce investigatory evidence and she rebuffs them (please see attached letters from landlord, Adam  
4 Gargani, My neighbors Marilyn Benetatos et al about Ms. Strohbehn's and ADA Kenya Wells' refusal  
5 to investigate. Exhibit #a 3, 17 and 30 respectively.

6 42. This lawsuit also seeks to hold the City of New York accountable for the actions of attorneys at the  
7 Manhattan District Attorney's Office, Susan Roque, Patricia Bailey and Christina Maloney, for their  
8 misconduct, in an administrative capacity as Freedom of Information Law ("FOIL") officers, in  
9 covering up and withholding documents and information formally and continually requested by  
10 Plaintiff that directly hold baring to these proceedings. The unlawful denial of Plaintiff's FOIA  
11 requests by the SAME employee of the MDAO who REPRESENTED the individual DA defendants in  
12 a previous complaint filed incorrectly in NY State Supreme Court prevented Plaintiff's receiving of  
13 items in her File unlawfully and with intentional and willful fraud, unethically, maliciously, and  
14 against the requirements of McKinney's that crime victims be able to request and receive a copy of  
15 their crime victim report.

16 43. Plaintiff, Kelly Price, is an intelligent and able individual who had built a career in photojournalism  
17 and would have continued to earn a substantial salary as an editor, but for the defendants' misconduct  
18 in causing her wrongful prosecution, and imprisonment. She seeks \$30 million in actual damages, and  
19 \$10 million in punitive damages, for the egregious misconduct that deprived her of the joys of bearing  
20 the child she miscarried, of family life, of her journalism career, emotional pain and suffering,  
21 defamation and of living as a free person.

22 44. JURISDICTION, VENUE, and CONDITIONS PRECEDENT

23 a. This action arises under 42 U.S.C. §§ 1983 and 1988, and under the common law of the State of  
24 New York. Jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331 and 1333, and by  
25 principles of pendent jurisdiction.

26 45. On or about October 22, 2013 Plaintiff served upon Defendant City of New York a timely notice of the  
27 present claims pursuant to New York General Municipal Law § 50-e.

28 46. This action has been commenced within three years of the accrual of Plaintiffs causes of action.

29 47. Plaintiff has duly complied with all of the conditions precedent to the commencement of this action.

2 THE PARTIES  
3

48. Plaintiff, Kelly Price is a citizen and resident of the State of New York and of the United States, and  
4 resides within the City of New York in the Southern District of New York.
49. Defendant, CITY OF NEW YORK, of which the County of New York is a subdivision, is a municipal  
6 corporation of the State of New York.
50. Defendant, Linda Simmons, "Simmons" at all relevant times, was a Detective in the 28<sup>th</sup> precinct  
which is in New York County, the City of New York, acted toward Plaintiff under color of statutes,  
ordinances, customs, and usage of the State of New York and the City of New York, and acted within  
the scope of her employment. She is sued in her individual and her official capacities.
51. Defendant, Maria Strohbehn, "Strohbehn" at all relevant times, was an assistant district attorney in  
New York County, was employed by the City of New York, acted toward Plaintiff under color of  
statutes, ordinances, customs, and usage Of the State of New York and the City of New York, and  
acted within the scope of her employment. She is sued in her official capacities.
52. Defendant, Audrey Moore, "Moore" at all relevant times, was an assistant district attorney in New  
York County, was employed by the City of New York, acted toward Plaintiff under color of statutes,  
ordinances, customs, and usage Of the State of New York and the City of New York, and acted within  
the scope of her employment. She is sued in her official capacities.
53. Defendant, Kenya Wells, "Wells" at all relevant times, was an assistant district attorney in New York  
County, was employed by the City of New York, acted toward Plaintiff under color of statutes,  
ordinances, customs, and usage of the State of New York and the City of New York, and acted within  
the scope of his employment. He is sued in his official capacities.
54. The Manhattan District Attorney's Office "MDAO" is an agency of the CITY OF NEW YORK. The  
District Attorney, and assistant district attorneys employed by the D.A.'s Office are agents and  
employees of the City of New York, which is legally responsible for torts they commit within the  
scope of their employment and/or under color of law.
55. Similarly, the New York City Police Department "NYPD" is an agency of the CITY OF NEW YORK.  
Detectives and police officers employed by the NYPD are agents and employees of the City of New  
York, which is legally responsible for torts they commit within the scope of their employment and/or

2 under color of law.

3 56. Defendant, Christina Maloney, “Maloney” at all relevant times, was an assistant district attorney in  
4 New York County, was employed by the City of New York, acted toward Plaintiff under color of  
5 statutes, ordinances, customs, and usage of the State of New York and the City of New York, and acted  
6 within the scope of his employment. He is sued in his official capacities.

7 57. Defendant, Cyrus Vance Jr., “Vance” at all relevant times, was the district attorney in New York  
8 County, was employed by the City of New York, acted toward Plaintiff under color of statutes,  
9 ordinances, customs, and usage of the State of New York and the City of New York, and acted within  
10 the scope of his employment. He is sued in his official capacities.

11 58. Defendant, Larry Newman, “Newman” at all relevant times, was an assistant district attorney in New  
12 York County, was employed by the City of New York, acted toward Plaintiff under color of statutes,  
13 ordinances, customs, and usage of the State of New York and the City of New York, and acted within  
14 the scope of his employment. He is sued in his official capacities.

15 59. Defendant, Laura Higgens, nee Richendorfer “Higgins” at all relevant times, was an assistant district  
16 attorney in New York County, was employed by the City of New York, acted toward Plaintiff under  
17 color of statutes, ordinances, customs, and usage of the State of New York and the City of New York,  
18 and acted within the scope of her employment. She is sued in her official capacities.

19 60. Defendant, Police Inspector Obe, Commanding Officer of the 28<sup>th</sup> Precinct, “Obe” at all relevant times,  
20 was an Inspector at the 28<sup>th</sup> precinct which is in New York County, the City of New York, acted  
21 toward Plaintiff under color of statutes, ordinances, customs, and usage of the State of New York and  
22 the City of New York, and acted within the scope of her employment. She is sued in her official  
23 capacities.

24 61. Defendants Patricia Bailey and Susan Roaue at all relevant times, were employees of the Manhattan  
25 District Attorney’s Office which is in New York County, the City of New York, acted toward Plaintiff  
26 under color of statutes, ordinances, customs, and usage of the State of New York and the City of New  
27 York, and acted within the scope of their employment. They are sued in their official capacities.

28 62. Defendant Rose Pierre-Louis, “Pierre-Louis” at all relevant times, was the Commissioner of Domestic  
29 Violence at the Mayor’s Office for the Prevention of Domestic Violence, NYC which is in New York